

Message Text

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TAGS: UN, PFOR, UR

SUBJ: UNGA SOVIET INITIATIVE ON VIENNA CONVENTION ON
DIPLOMATIC RELATIONS

1. USSR SUBMITTED, 11 NOV, REQUEST FOR INCLUSION OF
ADDITIONAL ITEM (A/9745) ON AGENDA OF 29TH GA. ITEM IS ENTITLED
"IMPLEMENTATION BY STATES OF THE PROVISIONS OF THE VIENNA
CONVENTION ON DIPLOMATIC RELATIONS OF 1961 AND MEASURES TO
INCREASE THE NUMBER OF PARTIES TO THE CONVENTION."

2. IN LIGHT OF USSR EXPLANATORY LETTER (TEXT BELOW)
ACCOMPANYING REQUEST, IT IS UNCLEAR WHAT USSR HAVE IN MIND.
NONETHELESS, IT APPEARS INITIATIVE COULD INVOLVE ADDED
DIFFICULT DEBATE ON HOST COUNTRY DUTIES AND
OBLIGATIONS, AS WELL AS EXPANSION OF ADHERENCE LANGUAGE IN
CONVENTION TO PERMIT ADHERENCE BY "ALL STATES." LATTER
TWO, WHILE MOST EVIDENT ASPECTS OF PROBLEM, DO NOT SEEM
SUFFICIENT TO JUSTIFY REQUEST, AND THUS INDICATE SOVIETS
MAY HAVE OTHER AIMS, AS WELL.

3. USDEL WILL SEEK TO DISCOVER SOVIET INTENTIONS AND LIKELY
COURSE OF ITEM. WE WOULD APPRECIATE DEPT AND EMBASSY
MOSCOW'S REACTION TO USSR PROPOSAL. TEXT OF USSR EXPLANATORY
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LETTER FOLLOWS:

QTE: THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961 ENTERED INTO FORCE 10 YEARS AGO THIS YEAR. IT MAY BE SAID THAT THIS MOST IMPORTANT DOCUMENT OF CONTEMPORARY INTERNATIONAL LAW HAS STOOD THE TEST OF TIME: DURING THIS PERIOD 110 STATES OF THE WORLD BECAME PARTIES TO THE 1961 VIENNA CONVENTION. 1/ (1/ UNITED NATIONS, TREATY SERIES, VOL. 500 (1964), NO. 7310, P. 95.)

AS THE CONVENTION ITSELF NOTES, IT PURPOSE IS TO "CONTRIBUTE TO THE DEVELOPMENT OF FRIENDLY RELATIONS AMONG NATIONS, IRRESPECTIVE OF THEIR DIFFERING CONSTITUTIONAL AND SOCIAL SYSTEMS". DEFINING THE ROLE OF A DIPLOMATIC MISSION IN A FOREIGN STATE, THE CONVENTION STRESSES THAT ONE OF THE MOST IMPORTANT FUNCTIONS OF SUCH A MISSION CONSISTS "IN PROMOTING FRIENDLY RELATIONS BETWEEN THE SENDING STATE AND THE RECEIVING STATE, AND DEVELOPING THEIR ECONOMIC, CULTURAL AND SCIENTIFIC RELATIONS". THE CONVENTION THUS CONTAINS PROVISIONS AIMED AT ACHIEVING SUCH IMPORTANT PURPOSES OF THE UNITED NATIONS SET FORTH IN ITS CHARTER AS THE DEVELOPMENT OF FRIENDLY RELATIONS AND CO-OPERATION AMONG NATIONS AND THE STRENGTHENING OF PEACE AND INTERNATIONAL SECURITY.

IN THIS CONNEXION, ONE CANNOT BUT FEEL CONCERN AT THE VIOLATIONS, OFTEN FLAGRANT, OF THE VIENNA CONVENTION BY INDIVIDUAL STATES WHICH ARE PARTIES TO IT AND WHICH BEAR THE UNCONDITIONAL RESPONSIBILITY TO OBSERVE ALL OF ITS PROVISIONS. IT IS ALL THE MORE REGRETTABLE THAT THESE VIOLATIONS OF THE GENERALLY RECOGNIZED RULES OF INTERNATIONAL LAW ARE TAKING PLACE IN CIRCUMSTANCES WHEN A CHARGE IN FAVOUR OF THE RELAXATION OF INTERNATIONAL TENSION HAS BECOME DISCERNIBLE THROUGHOUT THE WORLD.

NOR CAN THOSE CASES BE TOLERATED WHERE CERTAIN STATES, WHICH ARE NOT FORMALLY PARTIES TO THE VIENNA CONVENTION, ALLOW ACTIONS ON THE PART OF DIPLOMATIC MISSIONS OF OTHER COUNTRIES WHICH ARE INCOMPATIBLE WITH THE PRACTICE OF MAINTAINING DIPLOMATIC RELATIONS AND GENERALLY ACCEPTED RULES OF DIPLOMATIC LAW. CERTAIN STATES THUS USE THE FACT LIMITED OFFICIAL USE

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THAT THEY ARE NOT PARTIES TO THE VIENNA CONVENTION AS A COVER FOR UNFRIENDLY ACTS DIRECTED AGAINST FOREIGN

DIPLOMATIC MISSIONS WHICH SERIOUSLY HINDER THEIR ACTIVITIES. ALL THIS, IN THE VIEW OF THE SOVIET DELEGATION, MAKES IT IMPERATIVE THAT THE GENERAL ASSEMBLY SHOULD KEEP UNDER REVIEW THE QUESTION OF ENSURING THE STRICTEST POSSIBLE ADHERENCE OF STATES TO THE 1961 VIENNA CONVENTION ON DIPLOMATIC

RELATIONS AND ITS OBSERVANCE AND THAT THE ATTENTION OF THE INTERNATIONAL PUBLIC SHOULD BE DRAWN TO THIS IMPORTANT PROBLEM. ACCORDINGLY, THE SOVIET DELEGATION PROPOSES THE INCLUSION IN THE AGENDA OF THE TWENTY-NINTH SESSION OF THE UNITED NATIONS GENERAL ASSEMBLY OF THE FOLLOWING ITEM AS N IMPORTANT AND URGENT MATTER: "IMPLEMENTATION BY STATES OF THE PROVISIONS OF THE VIENNA CONVENTION ON DIPLOMATIC RELATIONS OF 1961 AND MEASURES TO INCREASE THENUMBER OF PARTIES TO THE CONVENTION."

I COULD REQUEST YOU, MR. SECRETARY-GENERAL, TO CONSIDER THIS LETTER AS A NEXPLANATORY MEMORANDUM PURSUANT TO RULE 20 OF THE RULES OF PROCEDURE OF THE UNITED NATIONS GENERAL ASSEMBLY AND TO CIRCULATE IT AS AN OFFICIAL DOCUMENT OF THE GENERAL ASSEMBLY.

Y. MALIK
DEPUTY MINISTER FOR FOREIGN AFFAIRS OF THE USSR,
PERMANENT REPRESENTATIVE OF THE USSR TO THE UNITED NATIONS
UNQTE.
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